

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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E.O. 11652: N/A

TAGS: PINT, KS

SUBJECT: MYONGDONG AFFAIR TRIAL

REF: SEOUL 3336

SUMMARY: FAMILIES OF DEFENDANTS HAVE NOT YET AGREED TO NEW SYSTEM OF ADMISSION TO COURTROOM PROPOSED FOR MAY 15 TRIAL SESSION AND SECOND POSTPONEMENT IS POSSIBLE. MRS. KIM TAE-CHUNG HAS SENT SECOND PETITION TO PRESIDENT PARK ASKING THAT HER HUSBAND BE RELEASED ON BAIL DUE TO HIS POOR HEALTH. END SUMMARY.

1. ALTHOUGH MAY 15 DATE FOR NEXT SESSION OF TRIAL OF KIM TAE-CHUNG AND OTHERS INVOLVED IN MYONGDONG AFFAIR IS RAPIDLY APPROACHING, AGREEMENT HAS NOT YET BEEN REACHED BETWEEN DEFENSE AND PROSECUTION ON SYSTEM FOR ADMITTING SPECTATORS TO COURTROOM.

2. PRINCIPAL DEFENSE LAWYER FOR KIM TAE-CHUNG AND OTHERS TOLD EMBOFF MAY 11 THAT LAWYERS AND FAMILIES OF DEFENDANTS AGREE IN PRINCIPLE THAT ACCESS TO COURTROOM MUST BE CONTROLLED AND THAT FIRST COME FIRST SERVE NOT PRACTICAL SINCE FAMILIES MIGHT NOT GET IN UNDER THOSE CONDITIONS. HOWEVER, DEFENSE LIMITED OFFICIAL USE

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LAWYERS AND FAMILIES WANT PASSES ISSUED WITHOUT STRINGS, TO BE

USED BY WHOMEVER FAMILIES DESIRE AND WITHOUT PRIOR IDENTIFICATION TO AUTHORITIES.

3. LAWYER SAID THAT AT MAY 10 MEETING WITH PRESIDING JUDGE AND PROSECUTORS, AGREEMENT HAD BEEN REACHED THAT NUMBER OF PASSES PER DEFENDANT WOULD BE INCREASED FROM FIVE TO SEVEN AND ISSUANCE WOULD NOT BE RESTRICTED TO FAMILY MEMBERS. IT WAS ALSO AGREED THAT PRIOR SUBMISSION OF NAMES, ADDRESSES, ID CARD NUMBER, AND RELATIONSHIP TO DEFENDANT OF THOSE TO RECEIVE PASSES WOULD NOT BE NECESSARY. AT THAT POINT, LAWYERS AND FAMILIES THOUGHT MATTER SETTLED. HOWEVER, NEXT DAY JUDGE CALLED TO SAY THAT 126 PASSES WERE READY TO BE PICKED UP, HE ALSO ADDED STIPULATION THAT USERS OF TICKETS WOULD BE REQUIRED TO SIGN THEM BEFORE ENTERING COURTROOM. LAWYER SAID THIS WAS NOT ACCEPTABLE TO FAMILIES WHO ARGUE THAT ANY THING LESS THAN FREE USE OF TICKETS BY PERSONS DESIGNATED BY THEM AND WITHOUT FORCING THEM TO IDENTIFY THEMSELVES MEANS TRIAL IS NOT OPEN OR FAIR. FAMILIES HAVE REFUSED TO PICK UP PASSES AND IMPASSE WHICH BROUGHT ABOUT POSTPONEMENT OF FIRST SESSION CONTINUES.

4. ACCORDING TO DEFENSE LAWYER, DISCUSSIONS WITH FAMILIES AND PROSECUTORS ARE GOING ON TO DETERMINE NEXT STEP. HE COULD NOT PREDICT OUTCOME OF THESE DISCUSSIONS BUT THOUGHT ANOTHER POSTPONEMENT OF TRIAL WAS POSSIBLE.

5. LAWYER HAD COPY OF KIM TAE-CHUNG'S INDICTMENT BEFORE HIM AND EXPLAINED THAT IN ESSENCE, KIM WAS BEING TRIED UNDER EM-9 FOR SPREADING FALSE FACTS CONTAINED IN THE "DECLARATION" READ AT MYONGDONG CATHEDRAL ON MARCH 1. HE SAID INDICTMENTS OF OTHERS BASICALLY SIMILAR, EXCEPT THAT INDICTMENTS AGAINST TWO CATHOLIC PRIESTS FROM WONJU AND CHONJU ALSO CHARGE THEM WITH HOLDING MEETINGS AND ISSUING STATEMENTS WITH FALSE FACTS AT EARLIER DATES.

6. DEFENSE LAWYERS TOLD EMBOFF THAT HE WOULD LIKE TO FORCE GOVERNMENT INTO PROLONGED TRIAL BECAUSE HE BELIEVES THAT "SPREADING FALSE FACTS" INDICTMENT PLACES MAJOR BURDEN ON PROSECUTOR TO PROVE THAT FACTS CONTAINED IN "MYONGDONG DECLARATION" ARE FALSE, AND THIS WILL BE DIFFICULT TO DO. HOWEVER, A LONG TRIAL MEANS THAT KIM TAE-CHUNG AND REV. YUN WHO ARE NOT PHYSICALLY STRONG WOULD HAVE TO REMAIN IN PRISON WITH LIMITED OFFICIAL USE

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GRAVE DANGER FOR THEIR HEALTH. THE OTHERS HE SAID ARE WILLING AND ABLE TO TAKE A LONG SEIGE. DEFENSE LAWYERS AND FAMILIES ARE ON HORNS OF A DELIMMA HE SAID AND HAVE NOT YET REACHED A DECISION ON A FINAL STRATEGY.

7. ON MAY 11, MR. KIM TAE-CHUNG SUBMITTED A SECOND REQUEST TO THE PRESIDENT, MINISTER OF JUSTICE, PROSECUTOR AND JUDGE ASKING THAT KIM TAE-CHUNG BE RELEASED ON BAIL BECAUSE OF POOR HEALTH.

NO RESPONSE WAS MADE TO HER MARCH 15 PETITION. KIM TAE-CHUNG'S
DEFENSE LAWYER SAID THAT THIS ISSUE WOULD BE RAISED IN COURT
AT THE APPROPRIATE TIME.

8. DEFENSE LAWYER TOLD EMBOFF HE HAD NOT BEEN PERMITTED TO
SEE KIM TAE-CHUNG OR OTHERS IN PRISON DESPITE NUMEROUS REQUESTS.
ALSO REQUEST TO BRING KIM'S PHYSICIAN TO SEE HIM NOT GRANTED.
HE SAID THAT ON PREVIOUS DAY, PRISON WARDEN CALLED HIM TO
PRISON TO SEE DEFENDANTS, HOWEVER, AFTER GOING TO THE PRISON
AND WAITING FOR MORE THAN ONE HOUR, HE WAS NOT ADMITTED.
SNEIDER

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